12/12/07

(18)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Miscellaneous Appeal (c) No.853 of 2007

Appellant Claimant

Smt. Kala Devi Widow of Late Shri Subrat Kumar, aged about 40 years, Caste Kumhar, Occupation Service (Peon, S.E.C.L. West Charcha), Resident of Village Chhinddand, Police Station and Tahsil Baikunthpur, District Koriya (C.G.)

Versus

Respondents

1. Rajendra Prasad Singh, Son of Shri Mohan Singh, aged about 42 years, Occupation Owner of Vehicle.
2. Vijay Kumar Singh Son of Shri Ramprasad Singh, aged about 30 years, Occupation Driver.

   Both resident of Village Salhi, Police Station Srinagar, District Surguja (C.G.)

3. The Oriental Insurance Company Limited, Through:The Branch Officer, Near Ambedkar Chowk, Ambikapur, District Surguja (C.G.)

Miscellaneous Appeal under Section 173 of Motor Vehicle Act.,1988

Present : Shri A.K.Shukla, counsel for the appellant.
Shri Sudhir Agrawal, counsel for respondent No.3/insurance Company.

ORAL ORDER
(Passed on 11th December, 2007)

Heard on I.A.No.1 for condonation of delay in filing this appeal.

(2) For the reasons mentioned in the application, it is (I.A.No.1) is allowed and the delay in filing this appeal is condoned.

(3) Heard on admission.

(4) Being aggrieved by the impugned award dated 15-03-2007 passed by the Motor Accidents Claims Tribunal, Koriya (Baikunthpur) (henceforth 'the M.A.C.T.') in Claim Case No.64/2006, whereby a sum of Rs.61,000/- has been awarded towards compensation, the appellant/claimant has preferred this appeal for enhancement of the compensation.

(19)

(5) During the course of arguments, an amicable settlement has been arrived at between the parties and the respondent No.3/insurance company agreed to pay an additional sum of Rs.14,000/- to the appellant/claimant in addition to the compensation already awarded by the M.A.C.T. by depositing the same within a period of two months from today.

(6) Shri A.K.Shukla, learned counsel for the appellant/claimant agrees to the settlement.

(7) In view of the settlement arrived at, the award passed by the M.A.C.T. is modified and an additional sum of Rs.14,000/- over and above the sum already awarded by the M.A.C.T. is awarded as compensation to the appellant/claimant. The respondent No.3/insurance company shall deposit a sum of Rs.14,000/- with the M.A.C.T. within a period of two months from today.

(8) With the aforesaid direction, the miscellaneous appeal stands disposed of. A copy of this order be sent to the M.A.C.T. forthwith. The M.A.C.T. shall on deposit of compensation ensure:

(A) that appellant/claimant is noticed about the award and to appear before the MACT in person along with her pass book of an account in a nationalized bank,

(B) that the pass book of appellant/claimant is accompanied by the photograph and is duly verified by the bank and the same is also verified by the M.A.C.T. before issuance of cheque,

(C) that a direction is issued to the concerned bank not to release the amount in favour of any person, other than appellant/claimant unless ordered by the M.A.C.T.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Tumane